

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	:	
		:	
UNITED STATES OF AMERICA		:	<u>PROTECTIVE ORDER</u>
		:	
- v. -		:	S2 11 Cr. 205 (AKH)
		:	
CLÍVER ANTONIO ALCALÁ CORDONES,		:	
		:	
Defendant.		:	
		:	
- - - - -	X		

ALVIN K. HELLERSTEIN, District Judge:

1. WHEREAS, CLÍVER ANTONIO ALCALÁ CORDONES (the "Defendant") has certain rights under the United States Constitution, federal statutes, and the Federal Rules of Criminal Procedure, to pre-trial discovery;

2. WHEREAS, the Government recognizes its obligation to provide such discovery materials to the Defendant, consistent with safety considerations and the confidentiality of ongoing investigations;

3. WHEREAS, the discovery materials that the Government intends to provide to the Defendant contain certain materials that, if disseminated to third parties, could, among other things, implicate the safety of others, including by revealing the identities of individuals cooperating with law enforcement, and impede ongoing investigations;

4. IT IS HEREBY ORDERED that, pursuant to Federal Rule

of Criminal Procedure 16(d) and subject to the additional limitations set forth below, the discovery materials provided by the Government to counsel for the Defendant ("Defense Counsel") shall not be further disseminated by the Defendant or Defense Counsel to any individuals, organizations, or other entities, other than members of the Defendant's defense team (limited to: co-counsel, paralegals, investigators, translators, litigation support personnel, secretarial staff, and the Defendant);

5. IT IS FURTHER ORDERED that the discovery materials may not be provided to any foreign persons or entities (even if such persons or entities are members of a defense team), unless they are within the category of "Approved Persons" as defined in Paragraph Seven of this Protective Order, below, and may not in any case be transmitted outside of the United States for any purpose;

6. IT IS FURTHER ORDERED that each of the individuals to whom disclosure of the discovery materials is made shall be provided a copy of this Protective Order by Defense Counsel and will be advised by Defense Counsel that he or she shall not further disseminate or discuss the materials and must follow the terms of this Protective Order;

7. IT IS FURTHER ORDERED that Defense Counsel may seek

authorization of the Court, with notice to the Government, to show (but not provide copies of) certain specified discovery materials to persons whose access to discovery materials is otherwise prohibited by the preceding paragraphs, if it is determined by the Court that such access is necessary for the purpose of preparing the defense of the case ("Approved Persons"). The Government shall be provided with the opportunity to respond to the Court prior to any such approval. Any such Approved Persons shall (a) sign an acknowledgment form to be provided by the Government, affirming that they have read and understand the terms of this protective order; (b) only view the material in the presence of defense counsel; and (c) not retain custody or copies of the material.

8. IT IS FURTHER ORDERED that all discovery materials are to be provided to the Defendant, and used by Defense Counsel, solely for the purpose of allowing the Defendant to prepare his defenses to the charges in Indictment S2 11 Cr. 205 (AKH), and that none of the discovery materials produced by the Government to the Defendant shall be disseminated to any other third party in a manner that is inconsistent with the preceding paragraphs;

9. IT IS FURTHER ORDERED that, at the conclusion of this case, Defense Counsel shall return to the Government all

copies of the discovery materials provided in this case;

10. IT IS FURTHER ORDERED that nothing in this Protective Order prohibits the media from requesting copies of any items that are received by the Court as public exhibits at a hearing, trial, or other proceeding; and

11. IT IS FURTHER ORDERED that nothing in this Protective Order shall preclude the Government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

Dated: July 22, 2020
New York, New York

Alvin K. Hellerstein /s/
THE HONORABLE ALVIN K. HELLERSTEIN
United States District Judge
Southern District of New York